



DEPARTMENT OF BUSINESS AND INDUSTRY  
**NEVADA TRANSPORTATION AUTHORITY**

**MINUTES OF THE March 21, 2013 GENERAL MEETING**

**AGENDA**

**1. Call to Order**

*Chairman MacKay called the General Session to Order at approximately 9:35 a.m.*

**2. Roll Call**

*Present in Las Vegas: Commissioner Monica B Metz, Commissioner George Assad, Administrative Attorney James Day, Applications Manager Liz Babcock, Financial Analyst Yvonne Shelton, Financial Analyst Lidia Aronova, Chief of Enforcement Michael Bradford, Senior Deputy Attorney General David Newton, and Deputy Attorney General Christopher Eccles. Present in Reno: Chairman Andrew J. MacKay and Deputy Commissioner Marilyn Skibinski.*

**3. Pledge of Allegiance**

*Deputy Commissioner Marilyn Skibinski led a recital of the pledge.*

**4. Public Comment:**

*None.*

**5. Approval of Agenda**

*Administrative Attorney James Day requested Item 29 be considered separately as the Respondent and his legal counsel were present, that Item 40 (Docket 12-12023) had a typographical error and should read Tik's instead of Tic's, that Item 42 (Docket 12-05021) had a pending Petition for Leave to Intervene and therefore should be removed prior to consideration, that Item 56 (Docket 13-02026) had recent changes and Administrative Attorney Day would provide clarification, and that Item 17 (Impound I-1586) be removed as the related Citation has not yet been heard. Michael Keller, AAA, requested Item 59 be removed and heard at a future date. Brian Hardy, Esq., appeared on behalf of Feth Investments and Louis Csoka, Esq., appeared on behalf of Intervenor Limousine Operators Association and each presented their arguments for and against Item 42 (Docket 12-05021) being considered. Administrative Attorney Day stated the item had not been properly noticed to have a full hearing at the General Session. Commissioner Metz requested an Application Hearing date be set. Approved 3-0 with modifications as noted.*

**6. Approval of the Minutes of the January 10, 2013 General Session**

*Approved 3-0.*

**7. Approval of the Minutes of the February 14, 2013 General Session**

*Approved 3-0.*

## **8. Briefings from the Commissioners**

*Chairman MacKay welcomed new Compliance Enforcement Investigators Rachael Martines and Brian Johnson. He also extended congratulations to Investigator Robert Reasoner on his promotion to Supervisory Investigator in Reno. Chairman MacKay asked for a moment of silence to honor the seven Marines who died earlier in the week and for the passing of John Marvel, former Nevada State Assemblyman.*

## **9. Briefing from the Deputy Commissioner**

*Deputy Commissioner Marilyn Skibinski echoed Chairman MacKay's comments in welcoming new staff and thanked them for their patience during the application process. She also thanked all those involved in the recruitment process.*

## **10. Report of Legal Counsel**

*Senior Deputy Attorney General David Newton reported the Petition for Judicial Review in the Fairman case was decided in favor of the Authority. There was an Open Meeting Law violation alleged by Limousine Operators Association based on the Surface Transportation Board/Evergreen issue. Senior Deputy Attorney General Newton will circulate his proposed answers so they can be reviewed before they are filed.*

## **ADMINISTRATIVE CITATIONS AND IMPOUNDMENTS**

*Items 11 - 37 with the exception of items 17 and 29 were considered collectively and approved 3-0.*

**11. Citation 15573** issued to A.M.A. Towing Services for violations of NAC 706.191 and NAC 706.203.(MBM)

**12. Citation 15990** issued to Patrick John Mangini for violations of NRS 706.386 and NRS 706.758. (MBM)

**13. Citation 15991** issued to Tedros Menghis for two violations of NAC 706.228(3). (MBM)

**14. Citation 16003** issued to Nevada North American for violations of NAC 706.149 and NRS 706.398. (MBM)

**15. Citation 16201** issued to Liben Kumelcha Kumesa for a violation of NAC 706.228. (MBM)

**16. Citation 16202** issued to Dawit Bedada Agida for violations of NAC 706 as amended by LCB File No. R127-07(1) and NAC 706.194. (MBM)

**17. Impound 1586** The impoundment pursuant to NRS 706.476 of a vehicle registered to Elvin Stevenson. (MBM)

*Removed from Agenda prior to consideration.*

**18. Impound 1600 and Citation 16061** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 16061 issued to Paul Dewitt for violations of NRS 706.386 and NRS 706.758. (MBM)

**19. Impound 1682** The impoundment pursuant to NRS 706.476 of a vehicle registered to Jacqueline Mangini. (MBM)

**20. Citation 15571** issued to Rapid Tow for violations of NAC 706.311 (11 counts) and NAC 706.420 (15 counts). (GA)

21. **Citation 15969 and 15972** issued to Yohanes Abraha for violations of NAC 706 as amended by LCB File No. R127-07 and NAC 706.228. (GA)
22. **Citation 16055** issued to Eduardo Sanchez for violations of NRS 706.386 and NRS 706.758. (GA)
23. **Citation 16056** issued to Armen Adamyan for violations of NRS 706.386 and NRS 706.758. (GA)
24. **Citation 16062** issued to Mark Povich for violations of NRS 706.386 and NRS 706.758. (GA)
25. **Impound 1589** The impoundment pursuant to NRS 706.476 of a vehicle registered to Enterprise Leasing Company - West LLC. (GA)
26. **Impound 1599** The impoundment pursuant to NRS 706.476 of a vehicle registered to Craig Pittman. (GA) – **FOR POSSIBLE ACTION**
27. **Impound 1590** The impoundment pursuant to NRS 706.476 of a vehicle registered to Armine Karapetian. (GA)
28. **Impounds 1592 and 1593 and Citation 16059** The impoundment pursuant to NRS 706.476 of two vehicles registered to and Citation 16059 issued to Rocky Esterline for violations of NRS 706.386 and NRS 706.758. (GA)
29. **Impound 1685 and Citation 15994** The impoundment pursuant to NRS 706.476 of a vehicle registered to and Citation 15994 issued to Jeffrey Wayne Jarvis for violations of NRS 706.386 and NRS 706.758. (GA)  
*Jim Duensing, Esq., requested a reduction in the recommended fines, stating Mr. Jarvis is a homeless veteran and unable to pay. Commissioner Assad stated all fines were significantly reduced, however he agreed to reduce the fines to reflect zero in light of Mr. Jarvis' military service. Approved 3-0 as modified.*
30. **Citation 15541** issued to Jamie R. Jeffries for a violation of NAC 706.228.
31. **Citation 15993** issued to Genrri Manolo Gonzalez-Rivera for violations of NAC 706 as amended by LCB File No. R127-07(1) and NAC 706.228.
32. **Citation 15996** issued to L D Tours, LLC for a violation of NAC 706.360.
33. **Citation 16000** issued to Jose Jesus Gomez for violations of NAC 706 as amended by LCB File No. R127-07(1) and NAC 706.247/49 CFR 396.41.
34. **Citation 16053** issued to Transportation Management Services for a violations of NAC 706.228 and NAC 706.360.
35. **Citation 16054** issued to Leonard Peterson for a violation of NAC 706.228.
36. **Citation 16060** issued to Mahteme Zewdie for a violation of NAC 706.228.
37. **Citation 16173** issued to Matthew Struckhoff for a violation of NAC 706.228.

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND  
NECESSITY TO PROVIDE TOW CAR SERVICE**

- 38. Docket No. 12-11019** The Application of 777 Towing, Inc. for a certificate of public convenience and necessity (hereinafter “CPCN”) to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (AJM)

*Chairman MacKay summarized the Application and indicated Staff support, noting the certificate would be for consent and non consent tows. Applications Manager Babcock stated the carrier will operate out of Las Vegas, that they will operate under the flat rate tariff, and that they are at the highest rate option. Approved 3-0.*

- 39. Docket No. 12-12001** The Application of Super Express Inc, LLC d/b/a Chykko’s Towing for a CPCN to provide tow car service by tow car vehicle within the State of Nevada. Staff investigation concluded. (AJM)

*Chairman MacKay summarized the Application and indicated Staff support. Applications Manager Babcock stated the carrier will operate out of Las Vegas, performing consent-only tows. Approved 3-0.*

- 40. Docket No. 12-12023** The temporary discontinuance from March 1, 2013 through March 31, 2013 of services provided by Idrisa Tikolo Mansaray d/b/a Tik’s Quick Towing under CPCN 7145. Staff investigation concluded.

*Chairman MacKay summarized the request. Approved 3-0.*

- 41. Docket No. 13-02018** The temporary discontinuance from February 19, 2013 through May 15, 2013 of services provided by Rapid Tow, LLC d/b/a Rapid Tow under CPCN 7224, Sub 2. Staff investigation concluded.

*Chairman MacKay summarized the request. Approved 3-0.*

**APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND  
NECESSITY TO PROVIDE CHARTER BUS SERVICE**

- 42. Docket No. 12-05021** The Application of Feth Investments, LLC d/b/a NTI Transportation for a CPCN to provide charter bus service within the State of Nevada. Staff investigation concluded. (MBM)

*Item removed prior to consideration, hearing on the Application to be set.*

- 43. Docket No. 12-12019** The Application of Jambo Transportation, LLC d/b/a Jambo Transportation for a CPCN to provide charter bus service within the State of Nevada. Staff investigation concluded. (MBM)

*Applications Manager Babcock summarized the Application and indicated Staff support. Approved 3-0.*

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**NAME CHANGE**

- 44. Docket No. 13-01022** The Petition of A.A. Action Towing, Inc. to change their name by adding d/b/a Action Towing for services provided under CPCN 3336. Staff investigation concluded.

*Applications Manager Liz Babcock summarized the Petition and indicated Staff support. Approved 3-0.*

**FINANCIAL RATES AND TARIFFS**

- 45. Docket No. 10-10005** The Application of LTS Transportation, Inc. d/b/a Larry's Towing & Transport for approval of a tariff rate modification for tow car services conducted under CPCN 7131. Staff investigation concluded.

*Financial Analyst Aronova summarized the Application and indicated Staff support. Approved 3-0.*

- 46. Docket No. 11-07016** The Application of Oasis Moving & Storage, Inc. for approval of a tariff rate modification for transportation of household goods services conducted under CPCN 3349. Staff investigation concluded.

*Applications Manager Babcock summarized the Application and requested the Application be denied. Application DENIED 3-0.*

- 47. Docket No. 12-08007-B** The Application of On Demand Services, Inc. d/b/a AAA ODS Limousine, ODS Limousine, ODS Chauffeured Transportation, and On Demand Sedan & Limousine for approval of a tariff rate modification for charter limousine services conducted under CPCN 1040, Sub 3. Staff investigation concluded. Tabled from August 23, 2012 General Session

*Brent Carson, Esq., was present on behalf of the Applicant. Financial Analyst Aronova summarized the Application and indicated Staff support. Commissioner Metz gave a brief background of the Docket. Senior Deputy Attorney General Newton indicated the ½ hour rate would need to be displayed on for-hire signage. Approved 3-0.*

- 48. Docket No. 12-10002** The Application of AAAA Two Star Towing, Inc. d/b/a AAAA Two Star Towing for approval of a tariff rate modification for tow car services conducted under CPCN 7123, Sub 1. Staff investigation concluded.

*Applications Manager Babcock summarized the Application and stated that Staff requested the Application be denied. Application DENIED 3-0.*

- 49. Docket No. 12-10026 B** The Application of Earth Limousines, LLC d/b/a Earth Limos for approval of a tariff rate modification for charter limousine services conducted under CPCN 1108. Staff investigation concluded. Tabled from December 6, 2012 General Session

*Lou Castro was present on behalf of the Applicant. Financial Analyst Aronova summarized the Application and indicated Staff support. Approved 3-0.*

- 50. Docket No. 13-01024** The Application of AWG Ambassador, LLC d/b/a Ritz Transportation for approval of a tariff rate modification for charter limousine, airport transfer, and special services conducted under CPCN 1089, Sub 2. Staff investigation concluded.

*Considered collectively with Item #51.*

- 51. Docket No. 13-01025** The Application of AWG Ambassador, LLC d/b/a Ritz Transportation for approval of a tariff rate modification for airport transfer and special services conducted under CPCN 2055, Sub 2. Staff investigation concluded.

*Considered collectively with Item 50. Applications Manager Babcock summarized both Applications and indicated Staff support. Brent Carson, Esq., was present on behalf of the Applicant and thanked Staff. Items 50 and 51 approved 3-0.*

- 52. Docket No. 13-02012** The Application of Black Wolf Moving Nevada, LLC d/b/a Two Men and a Truck for approval of a tariff rate modification for transportation of household goods services conducted under CPCN 3343. Staff investigation concluded.

*Financial Analyst Aronova summarized the Application and indicated Staff support. Approved 3-0.*

- 53. Docket No. 13-03005** The Application of Bobcat Tours, Inc. for approval of a tariff rate modification for scenic tour services conducted under CPCN 1043, Sub 4. Staff investigation concluded.

*Financial Analyst Aronova summarized the Application and indicated Staff support. Approved 3-0.*

- 54. Docket No. 13-03006** The Application of Airline Limousine Corporation d/b/a Airline Shuttle Corp for approval of a tariff rate modification for airport transfer and charter limousine services conducted under CPCN 2050, Sub 4. Staff investigation concluded.

*Applications Manager Babcock summarized the Application and indicated Staff support. Terry Flink was present on behalf of the Applicant and thanked Staff. Approved 3-0.*

*Commissioner Metz noted for the record that Staff is processing tariff modifications very efficiently and thanked them for their diligence.*

### **APPLICATION FOR FULLY REGULATED CARRIERS**

- 55. Docket No. 10-02014** The Joint Application of Brian Hurley for authority to sell and transfer and of Ray Baratta to purchase and acquire 100% of the corporate stock of Big Box Storage Nevada, Inc., a carrier authorized to provide transportation of household goods within the State of Nevada under CPCN 3342. Staff investigation concluded. (GA)

*Commissioner George Assad summarized the Application and indicated Staff support. Commissioner Metz was concerned with the involvement of certain individuals in day-to-day operations. Administrative Attorney Day explained the reasoning behind and the wording used in the Order. Approved as written 3-0.*

### **PETITION TO DEVIATE FROM REGULATION**

- 56. Docket 13-02026** Petitioner Jacob Transportation Services, LLC d/b/a Executive Las Vegas (CPCN 1062) seeks Authority approval to deviate from signage and 50-foot setback requirements at the Venetian, Palazzo, Wynn, Encore, Caesar's Palace, and Hard Rock hotel/casino properties. (AJM)

*General Manager Angelo Giancola summarized the request. Commissioner Metz requested the item be tabled for clarification. Administrative Attorney Day suggested tabling the 50-foot setback request and going forward with the signage request, with the exception of the Hard Rock Hotel. A discussion ensued with regard to the Authority granting deviations to the 50-foot setback regulation. Kimberly Maxson-Rushton, Esq., indicated the deviations were carrier specific, are only made where hotel door staff are very familiar with the carrier's tariff, and have been spot-checked by NTA Enforcement in the past to ensure tariff compliance. Commissioner Metz suggested spot-checks be performed on a regular basis by NTA Enforcement. Petition to Deviate from signage, subject to receipt of an official letter from the Hard Rock Hotel approved 3-0.*

### **APPLICATIONS TO DISMISS**

- 57. Docket No. 10-11013** The Application of Anderson Moving, Inc. for a CPCN to operate as a common carrier to provide the transportation of household goods within the State of Nevada. Deputy Commissioner's Motion to Dismiss Application.

*Deputy Attorney General Christopher Eccles summarized the history of the Application and indicated it had been abandoned by the Applicant. Application DISMISSED 3-0.*

- 58. Docket No. 12-04011** The Application of J & J Tours, LLC d/b/a J & J Tours for a contract carrier permit to provide transportation services within the State of Nevada. Deputy Commissioner's Motion to Dismiss Application. (MBM)

*Jennifer Patterson and Jason Patterson were present on behalf of the Applicant. Deputy Attorney General Christopher Eccles summarized the history of the Application and indicated an agreement had been reached with the Applicant. All requested information will be presented to Staff by April 5, 2013. Application review will proceed after review of the seven dockets in which Applicants have filed complete information with Staff. Item tabled until next subsequent General Session for status check or Application approval, whichever is appropriate.*

### **FORMAL WRITTEN COMPLAINT**

- 59. Docket No. 12-11008** The formal written complaint of Michael Keller/AAA against City Auto Towing (CPCN 7117). Pursuant to NAC 706.3977, the Staff of the Authority could not resolve the formal written complaint and therefore transmitted the complaint to the Authority for review. At its December 2012 general session, the Authority found probable cause with respect to the limited issue of the charges for inside versus outside storage and set a public hearing on the complaint. Chairman Andrew J. MacKay, in his capacity as Presiding Officer, conducted the hearing on February 7, 2013. The Authority will consider the Presiding Officer's recommendations that the complaint be dismissed and that no further remedies are warranted. (AJM)

*Item removed from Agenda prior to consideration. Matter to be placed on agenda for a future General Session.*

### **DISCUSSION ITEMS**

- 60.** The Authority will discuss the required three-year review of its administrative rules of practice. (AJM)

*Chairman MacKay summarized the issue at hand and indicated he found no recommended changes. Senior Deputy Attorney General Newton indicated Chief Bradford would like to review the sections regarding complaints. Chairman MacKay made a motion to table item. Approved 3-0.*

- 61.** The Authority will discuss the potential adoption of an internal administrative policy to hold collection efforts during the pendency of judicial review proceedings.

*Chairman MacKay summarized the issue and stated his opinion was to stay fines in the interim. Senior Deputy Attorney General Newton stated he was looking for consistency in procedure. Deputy Commissioner Skibinski stated that driver's license suspension is part of the collection efforts. Commissioner Metz stated a blanket stay of enforcement would be acceptable based on the new driver's license suspension statutes.*

*Motion to automatically stay fines during the appeal process approved 3-0.*

### **62. Public Comment**

*None.*

### **Adjournment**

*Meeting adjourned at 12:20 p.m.*